

Message Text

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ORIGIN EB-07

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DRAFTED BY EB/ORF/FSE:LRRAICHT:MW

APPROVED BY EB - JULIUS L. KATZ

EUR/CAN - JROUSE

L/EB - PTRIMBLE

S/S - JPMOFFAT

EB/ORF - SWBOSWORTH

----- 065857

R 050003Z MAY 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ENRG, CA, US

SUBJECT: US-CANADA PIPELINE TREATY

REF: OTTAWA 1609

1. FOLLOING IS SUGGESTED DRAFT REPLY TO BRACKETT LETTER
OF APRIL 14.

2. QUOTE. THANK YOU FOR YOUR LETTER OF APRIL 14. I
APPRECIATE HAVING YOUR REACTION TO THE NEB HEARINGS AND
YOUR THOUGHTS ON THE DRAFT PIPELINE TREATY.

3. I HAVE NOW HAD A CHANCE TO LOOK OVER YOUR TESTIMONY
BEFORE THE SENATE JOINT COMMITTEE HEARING ON THE NEED
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FOR A PROTOCOL AND TO GET THE VIEWS OF JULES KATZ.

4. AS YOU KNOW, THE DRAFT TREATY IS A GENERAL ONE, COVERING ALL EXISTING AND FUTURE PIPELINES. WE DID NOT CONSIDER IT WOULD BE APPROPRIATE IN THE CONTEXT OF SUCH A GENERAL AGREEMENT TO DEAL WITH THE ISSUE OF LEVELS OF TAXATION BY PROVINCES OR STATES. WE BELIEVE THAT THE RECIPROCAL ASSURANCES IN THE AD REFERENDUM AGREEMENT WITH REGARD TO "IN BOND" AND NON-DISCRIMINATORY TREATMENT OF HYDROCARBONS IN TRANSIT PROVIDE SUFFICIENT PROTECTION.

THE INCLUSION OF A PROVISION PERMITTING PROTOCOLS ON SPECIFIC PIPELINE PROJECTS WAS NOT INTENDED TO PREJUDGE WHETHER SUCH PROTOCOLS WILL BE REQUIRED. THIS PROVISION WOULD ENABLE US TO DEAL WITH THE ISSUE OF TAX LEVELS OR OTHER MATTERS ON A SPECIFIC PIPELINE IN THE EVENT IT IS SUBSEQUENTLY CONCLUDED THAT SUCH MEASURES WOULD BE NECESSARY OR HELPFUL.

5. I UNDERSTAND THE DEPARTMENT OF STATE PLANS TO INITIATE CONSULTATIONS SHORTLY WITH THE CONGRESS AND OTHER INTERESTED PERSONS. IN CONNECTION WITH THESE CONSULTATIONS, THE DEPARTMENT PLANS TO RELEASE THE TEXT OF THE DRAFT TREATY EARLY THIS MONTH AND SEEK COMMENTS ON IT.

6. I APPRECIATE YOUR OFFER TO PROVIDE FURTHER INFORMATION ON THIS SUBJECT AND WILL BE IN TOUCH WITH YOU FURTHER IF IT BECOMES NECESSARY. UNQUOTE. SISCO

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Margaret P. Grafeld
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